IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.16914 of 2002

Between:

1 N. Sanjeeva Rao, S/o Sri Subbanna, R/o 4/3 RT, MIG,

Vijayanagar Colony, Hyderabad.
2 C. Devadas, S/o Sri Benny, R/o 9-4-181/1/N/34, Neeraja Colony, Tolichowki, Hyderabad.
3 A. Prasada Rao, S/o Sri Ananda Rao, R/o 9-4-131/1/N/41, Neeraja Colony, Tolichowki, Hyderabad.
4 T. Muralidhar, S/o Sri Subbulu, R/o 9-4-131/1/N/81, Neeraja Colony, Tolichowki, Hyderabad.
5 K. Yadaiah, S/o Sri Basaiah, R/o 9-4-131/1/N/23, Neeraja Colony, Tolichowki, Hyderabad.
6 K. Hitler, S/o Sri Nagaiah, R/o 9-4-131/1/N/91, Neeraja Colony, Tolichowki, Hyderabad.

..... PETITIONERS

AND

1 The District Collector/Co-Operation, Election Authority, Hyderabad.
2 B. Subash, Senior Inspector, Election Officer, Neeraja Cooperative Housing Societies, Tolichowki, Hyderabad.
3 Neeraja Cooperative Housing Society Limited, rep by its CSR/P.T.P.I.C., (TAB 232), Tolichowki, Hyderabad.
4 C. Kanakaiah, S/o C. Venkataramaiah, Kanthinagar Colony, Mehidipatnam, Hyderabad.

(R4 is impleaded on 3-1-2002)

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any Writ, order or direction more particularly one in the nature of writ of mandamus by declaring the Election Notice (Under Form I) Rc.No.9/2002-Elec./B.S., dated 20-8-2002 issued by the 2nd respondent for conducting of Elections to the Committee of the 3rd respondent Society on 6-9-2002 with illegal inclusion of ineligible members without following section 19 of the Amended APCS Act or as directed by the Registrar of Cooperative Societies through Proceedings dated 7-6-2000 under Section 4 (2) of the APCS Act 1964 or substituted Rule 22 of APCS Rules, 1964 regarding conducting of Elections to the Cooperative Societies (vide G.O.Ms.No.15, Agricultural & Cooperative Department, dated 15-1-2002), as illegal, arbitrary, contrary to law and consequently direct the respondents 1 and 2 to verify and scruty the eligibility of the members more particularly admitted under Admn.No.259 to 284 (Sl.Nos.80 to 102) of the Voters List affixed in the Notice Board on 28-8-2002, with original records of the 3rd respondent Society and conduct elections.

Counsel for the Petitioners: MR.K.V.SIMHADRI

Counsel for the Respondent Nos.1 to 3: GP FOR COOPERATION

Counsel for the Respondent No.4: MR.MOHD.OSMAN SHAHEED

The Court made the following:

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ORDER:

The Election Notice dated 20.8.2002 issued by the second respondent proposing to conduct election on 06.9.2002 is assailed in the writ petition on the ground that by inclusion of ineligible members in the electoral roll, the whole process is vitiated. As election was scheduled on 06.9.2002 and this Court did not stay the election, nothing survives in the writ petition. The petitioner is aggrieved by fresh cause of action, if any, it is open to him to avail appropriate remedy provided under the A.P. Cooperative Societies Act, 1964 and A.P. Cooperative Societies Rules, 1964.

The writ petition, with the above observations, is dismissed.

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(**V.V.S.RAO,J**)

July 22, 2005.

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To

1 The District Collector/Co-Operation, Election Authority, Hyderabad.
2 The Senior Inspector, Election Officer, Neeraja Cooperative Housing Societies, Tolichowki, Hyderabad.
3 CSR/P.T.P.I.C., Neeraja Cooperative Housing Society Limited, (TAB 232), Tolichowki, Hyderabad.
4 Two CCs to the Government Pleader for Cooperation,

High Court Buildings, Hyderabad. (OUT)

5 Two C.D. Copies.